THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.NO. 23027 OF 2005

-

15th December,2005

Between:

N.Srivarama Krishna …Petitioner

A N D

1. The District Collector,Ranga Reddy and another

…Respondents

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THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.NO. 23027 OF 2005

O R D E R :

1. Challenge has been made in the writ petition to the Section 4(1) Notification and Section 6 declaration and also errata to Section 4(1) notification and Section 6 declaration in respect of Survey No. 90/1, admeasuring Ac.2-29 gts. Petitioner claims that he purchased Ac. 2-00 of land comprising in SurveyNo.90/1, under

registered sale deed dated 27-12-1995 bearing document NO. 468/98 from N.Minna Reddy through G.P.A. Holders namely K.Nagehwar Rao and M.Vishnuvardhan Reddy.

2. The respondents filed counter affidavit. The notification issued under Section 4(1) and the declaration issued under Section 6 as well as errata notification issued to Section 4(1) notification and Section 6 declaration in respect of S.No. 90/1 fell for consideration in W.P.No. 10177 of 2005. This Court on 29-11-2005 elaborately considered various contentions raised by the parties therein and set aside section 6 declaration issued in respect of surveyNo.90/1. The relevant portion of order passed in the above said writ petition No.10177 of 2005 reads as follows:

> "*Coming to the facts of the case on hand, the petitioners' rights came to be effected consequent on the errata notification issued on 08-12-2004. Therefore, the right to resist the acquisition of the land commences from the date of errata notification. Section 6 declaration came to be issued on 09-12-2004. It goes without saying that Se.6 declaration came to be issued before expiry of thirty days of issuing errata notification under Section 4(1) of the Act. In the facts of the case, the errata notification is to be treated as a fresh notification so far as the land over which the petitioners claim interest. In that view of the matter, I answer the point No.2 in favour of the writ petitioners and against the respondents.*
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> *In the result, the writ petition is partly allowed, setting aside Section 6 declaration only issued on 09-12-2004. It goes without saying that Section 4(1) Notification issued in respect of lands claimed by the petitioners is valid. The writ petitioners shall file their objections, if not already filed, within thirty days from today and further proceedings are required to be conducted in accordance with the provisions of the Act. No costs."*

3. Petitioner seems to have filed objections before the Land Acquisition Officer. In that view of the matter, giving liberty to the petitioner to participate in 5(A) Enquiry which is scheduled to be held on 29-12-2005, this writ petition is disposed of. No order as to costs.

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Justice B.Seshasayana Reddy

15th December,2005

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